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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 80—L. C., dated Bangalore, 18th August 1913.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee appointed to consider the Mysore Muzrai Bill, together with the Bill as amended by them, is published for general information.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Mysore Muzrai Bill.

We, the members of the Select Committee appointed to consider the Mysore Muzrai Bill, have the honor to submit the following report to the Council with the Bill as amended by us, annexed hereto.

We did not receive any representations from the public with regard to the Bill. We have examined the provisions of the Bill carefully and have also taken into consideration the criticisms that appeared in the Press regarding the same.

Clause 3 of the Bill.—Sub-clause 3 of this clause refers to a class of cases quite distinct from the other cases mentioned therein in as much as in all the latter cases Government steps in either at the desire of the persons interested or in the absence of a legally competent manager.

As clauses 8 and 9 of the Bill treat of questions of breach of trust and mismanagement in sufficient detail, sub-clause 3 is omitted here.

Clause 8.—This clause has been recast so as to make the provision applicable as well to a mismanagement of the institution as to mismanagement of its property.

Clause 10.—We have inserted a provision that the period of three years within which the Muzrai officer may take action under this clause shall be the period immediately preceding the date of issuing a notice under the section as the words in the clause as it stands, *viz.*, “before the dispute” are somewhat vague.

Clause 12.—For the sake of greater clearness the words “from the date of such order” have been inserted after the words “within six months.”

Clause 13.—This clause has been recast and a new provision inserted in it. As it stands now rules, can be framed directing persons in charge of religious or charitable institutions to keep regular accounts of income and expenditure, submit such returns and supply such information as may be prescribed. These provisions will not be efficacious without a power given to some authority to inspect the accounts and verify them if necessary.

Accordingly, inspection and verification of the accounts have also been provided for. The clause as recast will read as follows:—

“13. Government shall have power to make rules directing that persons in charge of religious or charitable institution shall—

(a) keep regular accounts of income and expenditure and submit such returns,

(b) supply such information as may be required, and

(c) allow such inspection and verification as may be necessary:

and may, by said rules, prescribe a penalty not exceeding one hundred rupees for any infraction thereof.”

Clause 14.—The words “after due enquiry” have been added after the words “the Muzrai officer may.”

The point whether the period of prescription referred to in the proviso to this clause should be only 12 years or whether it should be longer, say 30 years, was discussed. The conclusion arrived at though with some diffidence was that it was unnecessary to give a longer period of limitation for evicting persons in adverse possession.

The powers conferred by this clause on Muzrai officers are analogous to the powers vested in the revenue authorities under the Inam Rules (*Vide* Chief Commissioner's Notification No. 266, dated the 17th November 1877). It is not intended by this clause in any way to alter, modify or interfere with the provisions contained in the Inam Rules.

Clause 18.—We have made a few changes in this clause to supply some omissions and to make it more comprehensive. It has been made clear that the investment of trust-money shall be in the securities noted therein and in no others. The securities of the Government of Mysore which had been omitted by inadvertence have also been included in sub-clause (a) of this clause. In sub-clause (b) we have included deposits also in addition to stocks etc., and omitted the last portion under which the companies shall be only those where the interest on shares etc., is guaranteed by the Government of Mysore. This limitation was considered somewhat too narrow and so we have provided that the railway or other companies referred to in this sub-clause should be those approved by Government. In sub-clause (d) provision is made for other securities approved by Government in addition to those expressly authorized by the Instrument of Trust.

Clause 20.—The words “or difference” have been inserted after “in cases of doubt.”

Clause 21.—We have split this into two separate clauses, the one dealing with appeals and the other with revision. With regard to appeals we have provided that where an order is passed by an Assistant Commissioner as Muzrai officer, an appeal against such order shall lie to the Deputy Commissioner.

Clause 23.—In this and the succeeding clauses wherever the words “Mathas” or “Mathadhipathis” occur, certain words have been inserted to indicate that the provisions apply also to institutions similar to mathas and persons similar to mathadhipathis in charge or having the control, of such institutions.

Clause 24.—On the analogy of clause 3 of the Bill, we have confined this

or of the absence of or inability of the head of the institution to manage the property, making provision for cases of mismanagement in the succeeding clause. Sub-clause (4) has therefore been omitted.

In sub-clause (3) of this clause in lieu of the indefinite expression "for other reasons" we have inserted the words "by reason of physical or mental infirmity."

Clause 25.—The substantive provision relating to the mismanagement of the property of a matha which was omitted from clause 24 has been inserted in this clause. The Committee have devoted careful consideration to the question as to the circumstances that would justify the starting of an enquiry into the management of the property of a matha. They are of opinion that such an enquiry may be started only when the property of the matha has been grossly mismanaged or the greater part of it alienated for improper purposes but that Government should not interfere in the case of habitual neglect or indifference of the head of the matha to the duties and responsibilities of the Asrama. They feel that any necessary action in this matter which pertains more to the spiritual functions of the heads of mathas should be taken by the disciples or others affected thereby.

Clause 26.—We have made an important change in this clause. We are of opinion that the enquiry contemplated by this clause should be before a Committee of not less than three members in all cases, whether the mathas concerned are major or minor.

Clause 27.—This clause has been slightly recast so as to empower Government to pass such orders as may be deemed fit concerning the affairs and the property of the institution.

Clause 28.—Considerable criticism has been directed in the Press against the provision made in this clause that Government may take such steps as are in accordance with law or usage to appoint a proper mathadhipati. The interpretation put upon this that Government would themselves nominate a mathadhipathi is based upon an entire misapprehension of its scope. What was intended to be conveyed by that provision was that Government would take necessary steps to have proper mathadhipathis appointed in the usual way. As however, the retention of this provision is likely to cause misunderstanding the Committee have restricted the scope of this clause considerably. As revised by us, the clause provides for Government taking the necessary step in the cases contemplated in sub-clause (2) of clause 25 to fulfil the indispensable functions of the institution till a proper mathadhipathi is appointed in accordance with law or usage.

Clause 34.—We have made it clear that the other temples referred to in this clause are those dedicated to the public or a section of the public.

Clause 35.—We have recast this clause as follows:—

"Where a majority of not less than three-fourths of the inhabitants of a village or other unit, being devotees of a temple, object to the employment as Pujari of a person claiming by hereditary right, such person shall be set aside provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai officer."

Clause 36.—The enquiry referred to in clause 14 has also been included in this clause.

The other changes made by us are merely verbal and call for no explanation.

We have divided the Bill into Chapters for purposes of convenience.

As the Bill has been amended by us in important particulars, we recommend that it may be re-published in the Gazette and passed into law in due course.

BANGALORE,
18th August 1913. }

H. V. NANJUNDAYYA.
C. SRIKANTESVARA AIYAR.
C. SREENIVASIENGAR.
K. P. PUTTANNA CHETTY.
SYED AMIR HASSAN.
S. SEETARAMAYYA.

NOTE.—Mr. A. Rangaswami Iyengar who was also a member of the Committee was present at the meeting.